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In re Application of  
Thomas R. Kozel et al  
Application No. 10/809,831  
Filed: March 26, 2004  
Attorney Docket No. 031673-003000

: DECISION ON REQUEST FOR REFUND  
: AND STATUS UNDER 37 CFR 1.27  
:

This is a decision on the request for refund and claim of small entity status under 37 CFR 1.27 filed January 29, 2009.

The request for refund is **DISMISSED**.

Applicant request a refund of fees paid in accordance with 37 CFR § 1.26. However, § 1.26(b) is limited by § 1.28(a), which only provides a three month window for refunds of large entity fees. Accordingly, the large entity fees were paid more than three months prior to the request for refund and no refund is appropriate.

Further, small entity status has been accorded to the above application.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

*Karen Creasy*  
Karen Creasy  
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